

MuckRock News
DEPT MR 43003
411A Highland Ave
Somerville, MA 02144-2516
43003-36205442@requests.muckrock.com

FOIA APPEAL

Director, Office of Information Policy
FOIA Appeal
1425 New York Avenue Northwest
Washington, DC 20005

June 21, 2019

This is a follow up to request number 1384987-000:

I am appealing this as an insufficient response. A 2015 request for the same file (ID#1335594-000) found approximately 4,105 pages of records. The release posted to the Vault is 292 pages, with no indication of future releases. Please continue processing the request.

Additionally, no fees can be assessed for these records, according to OIP guidance here:

https://www.justice.gov/oip/oip-guidance/prohibition_on_assessing_certain_fees_when_foia_time_limits_not_met

"The basic rule is that when the agency fails to comply with any of the FOIA's time limits, no search fees may be charged to "all other" or "commercial use" requesters and no duplication fees may be charged to requesters in preferred fee categories, i.e., representatives of the news media, and educational or noncommercial scientific institutions. 5 U.S.C. § 552(a)(4)(A)(viii)(I)."

Filed via MuckRock.com

E-mail (Preferred): 43003-36205442@requests.muckrock.com

For mailed responses, please address (see note):

MuckRock News
DEPT MR 43003
411A Highland Ave
Somerville, MA 02144-2516

PLEASE NOTE: This request was filed by a MuckRock staff reporter. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

On June 3, 2019:

Subject:

An acknowledgement letter, stating the request is being processed.

On May 20, 2019:

Subject: RE: Freedom of Information Act Request #1384987-000

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Thank you for contacting foipaquestions@fbi.gov. Please check the status of your FOIPA Request at <http://vault.fbi.gov> by clicking on "Check Status of Your FOI/PA Request" on the right side of the page, and follow the instructions below.

Check the Status of Your FOIPA Request

If your FOIPA Number is [1234567-0] please enter [1234567-000] into the system. If your FOIPA Number is [1234567-1] please enter [1234567-001] into the system. If you have any questions about the status of your FOIPA request, please e-mail foipaquestions@ic.fbi.gov.

FIND STATUS OF FOIPA- Request statuses are updated weekly

Please enter the whole FOIPA number-Example: [1234567-000]

FOIPA:

Results will show the Request Number, Case Type and Process Description shown below:

FOIPA:

1234567-000

Case Type:

FOIPA

Process Description (Will display the current progress of the request)

The FBI's FOIPA Program is searching the FBI's indices for potentially responsive documents. You may be contacted via formal letter for all fees and/or negotiation issues that may apply.

NOTE: Recent requests are entered into the FOIPA database in the order that they are received. Before you can check the status, you must have received correspondence assigning a FOIPA request number and the information transferred to the online database. Status information is updated weekly. If a request has been closed within the last six months the online database will display the following: The FOIPA number entered has been closed, and appropriate correspondence has been sent to the address on file.

Estimated Dates of Completion

Requests are processed in the order in which they are received through our multi-track processing system. Requests are divided into two primary tracks--simple (under 50 pages of potentially responsive documents) and complex (over 50 pages of potentially responsive documents). Complex requests are further divided into medium, large, and extra-large sub-tracks based upon request size. Simple track requests typically require the least amount of time to process. Currently, simple track cases average approximately 138 days from the date of receipt for processing. Our complex requests in the medium processing track are currently averaging 571 days, large processing track are currently averaging approximately 1,289 days, and extra-large processing track are currently averaging 1,649 days for processing.

Respectfully,

Public Information Officer

Record/Information Dissemination Section (RIDS) FBI-Information Management Division

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Direct: (540) 868-4593

Fax: (540) 868-4391

Questions E-mail: foipaquestions@fbi.gov<mailto:foipaquestions@fbi.gov>

Do you have further questions about the FOI/PA process? Visit us at <http://www.fbi.gov/foia>

Please check the status of your request online at <https://vault.fbi.gov/fdps-1/@@search-fdps> Status updates are performed on a weekly basis.

Note: This is a non-emergency email address. If this is an emergency, please call 911 directly. If you need to report a tip for immediate action, please contact FBI Tips at <http://tips.fbi.gov/> or reach out to your local field office.

On April 17, 2019:

Subject: RE: Freedom of Information Act Request #1384987-000

Thank you for contacting foipaquestions@fbi.gov. Please check the status of your FOIPA Request at <http://vault.fbi.gov> by clicking on "Check Status of Your FOI/PA Request" on the right side of the page, and follow the instructions below.

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Respectfully,

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On March 18, 2019:

Subject: RE: Freedom of Information Act Request #1384987-000

Please check the status of your FOIPA Request at <http://vault.fbi.gov> by clicking on "Check Status of Your FOI/PA Request" on the right side of the page, and follow the instructions below.

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Respectfully,

Public Information Officer

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On Feb. 15, 2019:

Subject: RE: Freedom of Information Act Request #1384987-000

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On Sept. 14, 2017:
Subject: Freedom of Information Request: FBI files on J Wallace LaPrade
To Whom It May Concern:

This is a request under the Freedom of Information Act. I hereby request the following records:

A copy of the FBI's files on J. Wallace LaPrade, the former New York chief of the FBI in the 1970s. His obituary is attached.

I am journalist who writes extensively about FBI files -
<https://www.muckrock.com/project/subjects-matter-fbi-files-10/>, which have received national and international attention -
<http://www.dailymail.co.uk/news/article-3219376/Undercover-FBI-agents-spy-annual-Burning-Man-festival-1ight-ongoing-war-terrorism-use-test-new-intelligence-collection-technology.html>

The requested documents will be made available to the general public, and this request is not being made for commercial purposes.

In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

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Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 20 business days, as the statute requires.

Sincerely,

JPat Brown

Filed via MuckRock.com
E-mail (Preferred): 43003-36205442@requests.muckrock.com

For mailed responses, please address (see note):

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FBI FOIPA Addendum

As referenced in our letter, the FBI FOIPA Addendum includes information applicable to your request. Part 1 of the Addendum includes standard responses that apply to all requests. If you submitted a request regarding yourself or another person, Part 2 includes additional standard responses that apply to requests for individuals. If you have questions regarding the standard responses in Parts 1 or 2, visit the www.fbi.gov/foia website under "Contact Us." Previously mentioned appeal and dispute resolution services are also available. Part 3 includes general information about FBI records that you may find useful.

Part 1: Standard Responses to All Requests: See Below for all Requests

- (i) **5 U.S.C. § 552(c).** Congress excluded three categories of law enforcement and national security records from the requirements of the Freedom of Information Act (FOIA). See 5 U.S.C. § 552(c) (2006 & Supp. IV (2010)). FBI responses are limited to those records subject to the requirements of the FOIA. Additional information about the FBI and the FOIPA can be found on the fbi.gov website.
- (ii) **National Security/Intelligence Records.** The FBI can neither confirm nor deny the existence of national security and foreign intelligence records pursuant to FOIA exemptions (b)(1) and (b)(3) and PA exemption (j)(2) as applicable to requests for records about individuals [5 U.S.C. §§ 552/552a (b)(1), (b)(3), and (j)(2); 50 U.S.C. § 3024(i)(1)]. The mere acknowledgment of the existence or nonexistence of such records is itself a classified fact protected by FOIA exemption (b)(1) and/or would reveal intelligence sources, methods, or activities protected by exemption (b)(3); 50 USC § 3024(i)(1). This is a standard response and should not be read to indicate that national security or foreign intelligence records do or do not exist.

Part 2: Standard Responses to Requests for Individuals: See Below for all Requests for Individuals

- (i) **Requests for Records about any Individual—Watch Lists.** The FBI can neither confirm nor deny the existence of any individual's name on a watch list pursuant to FOIA exemption (b)(7)(E) and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(7)(E), (j)(2)]. This is a standard response and should not be read to indicate that watch list records do or do not exist.
- (ii) **Requests for Records for Incarcerated Individuals.** The FBI can neither confirm nor deny the existence of records which could reasonably be expected to endanger the life or physical safety of any incarcerated individual pursuant to FOIA exemptions (b)(7)(E) and (b)(7)(F) and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(7)(E), (b)(7)(F), and (j)(2)]. This is a standard response and should not be read to indicate that such records do or do not exist.

Part 3: General Information:

- (i) **Record Searches.** The Record/Information Dissemination Section (RIDS) searches for reasonably described records by searching those systems or locations where responsive records would reasonably be found. Most requests are satisfied by searching the Central Record System (CRS), an extensive system of records consisting of applicant, investigative, intelligence, personnel, administrative, and general files compiled and maintained by the FBI in the course of fulfilling its dual law enforcement and intelligence mission as well as the performance of agency administrative and personnel functions. The CRS spans the entire FBI organization and encompasses the records of FBI Headquarters ("FBIHQ"), FBI Field Offices, and FBI Legal Attaché Offices ("Legats") worldwide. A CRS search includes Electronic Surveillance (ELSUR) records.
- (ii) **FBI Records**
Founded in 1908, the FBI carries out a dual law enforcement and national security mission. As part of this dual mission, the FBI creates and maintains records on various subjects; however, the FBI does not maintain records on every person, subject, or entity.
- (iii) **Requests for Criminal History Records or "Rap Sheets."** The Criminal Justice Information Services (CJIS) Division provides Identity History Summary Checks—often referred to as a criminal history record or "rap sheets." These criminal history records are not the same as material in an investigative "FBI file." An Identity History Summary Check is a listing of information taken from fingerprint cards and documents submitted to the FBI in connection with arrests, federal employment, naturalization, or military service. For a fee, individuals can request a copy of their Identity History Summary Check. Forms and directions can be accessed at www.fbi.gov/about-us/cjis/identity-history-summary-checks. Additionally, requests can be submitted electronically at www.edo.cjis.gov. For additional information, please contact CJIS directly at (304) 625-5590.
- (iv) **The National Name Check Program (NNCP).** The mission of NNCP is to analyze and report information in response to name check requests received from federal agencies, for the purpose of protecting the United States from foreign and domestic threats to national security. Please be advised that this is a service provided to other federal agencies. Private citizens cannot request a name check.

EXPLANATION OF EXEMPTIONS

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

- (b)(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified to such Executive order;
- (b)(2) related solely to the internal personnel rules and practices of an agency;
- (b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;
- (b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;
- (b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual;
- (b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
- (b)(9) geological and geophysical information and data, including maps, concerning wells.

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a

- (d)(5) information compiled in reasonable anticipation of a civil action proceeding;
- (j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;
- (k)(1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;
- (k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;
- (k)(4) required by statute to be maintained and used solely as statistical records;
- (k)(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;
- (k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.



U.S. Department of Justice

Federal Bureau of Investigation
Washington, D.C. 20535

May 30, 2019

MUCKROCK
DEPT MR 43003
411A HIGHLAND AVENUE
SOMERVILLE, MA 02144-2516

FOIPA Request No.: 1384987-000
Subject: LAPRADE, JAMES WALLACE

Dear Mr. Brown:

This is in response to your Freedom of Information Act (FOIA) request. Please see the paragraphs below for relevant information specific to your request as well as the enclosed FBI FOIPA Addendum for standard responses applicable to all requests.

Records responsive to your request will be made available in the FBI's electronic FOIA Library (The Vault) on the FBI's public website, <http://vault.fbi.gov>. You will be notified when releases are available.

Please refer to the enclosed FBI FOIPA Addendum for additional standard responses applicable to your request. The "Standard Responses to Requests" section of the Addendum applies to all requests. If the subject of your request is a person, the "Standard Responses to Requests for Individuals" section also applies. The "General Information" section includes useful information about FBI records. Also enclosed is our Explanation of Exemptions.

For questions regarding our determinations, visit the www.fbi.gov/foia website under "Contact Us." The FOIPA Request number listed above has been assigned to your request. Please use this number in all correspondence concerning your request.

You may file an appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, D.C. 20530-0001, or you may submit an appeal through OIP's FOIA online portal by creating an account on the following web site: <https://www.foiaonline.gov/foiaonline/action/public/home>. Your appeal must be postmarked or electronically transmitted within ninety (90) days from the date of this letter in order to be considered timely. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." Please cite the FOIPA Request Number assigned to your request so it may be easily identified.

You may seek dispute resolution services by contacting the Office of Government Information Services (OGIS) at 877-684-6448, or by emailing ogis@nara.gov. Alternatively, you may contact the FBI's FOIA Public Liaison by emailing foipaquestions@fbi.gov. If you submit your dispute resolution correspondence by email, the subject heading should clearly state "Dispute Resolution Services." Please also cite the FOIPA Request Number assigned to your request so it may be easily identified.

Sincerely,



David M. Hardy
Section Chief,
Record/Information
Dissemination Section
Information Management Division

Enclosure(s)